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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,805	09/08/2006	Volker Bosebeck	18214	4404

25542 7590 01/25/2008

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INTELLECTUAL PROPERTY LAW DEPARTMENT
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EXAMINER	
BEACH, THOMAS A	

ART UNIT	PAPER NUMBER
3671	

MAIL DATE	DELIVERY MODE
01/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/567,805	BOSEBECK ET AL.	
	Examiner	Art Unit	
	THOMAS A. BEACH	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Tohji 5,996341. Tohji hydraulic control system for a construction vehicle, particularly for the control of hydraulic loads of an excavator, having at least one main control block 14 forming several sections with spool valves 48 located therein, a hydraulic fluid tank and two pump ducts to which pressure may be applied by means of a first pump and a second pump for the supply of hydraulic fluid to the hydraulic loads in series through the spool valves, wherein two additional pump ducts are provided 47, P, C1, which do not pass through the spool valves, parallel to the pump ducts, and which are designed to ensure an additional parallel supply to the hydraulic loads by means of the spool valves (fig 5).

As concerns claim 2, Tohji shows one of the pump ducts and one of the additional pump ducts are designed so that pressure can be applied to them by the first pump and the other of the pump ducts and the other of the additional pump ducts are designed so that pressure can be applied to them by the second pump (fig 5).

As concerns claim 3, Tohji shows each section has a first bypass duct and a second bypass duct, the first bypass duct connecting the pump ducts with the respective spool valve and the second bypass duct connecting the additional pump ducts with the respective spool valve 48 (fig 5).

As concerns claim 4, Tohji shows the first bypass duct and the second bypass duct are linked together hydraulically and form a ring bypass P (fig 5).

As concerns claim 5, Tohji shows the main control block is designed to be extendable in the direction of its longitudinal extension by means of options blocks to expand the function of the hydraulic control system, whereby said options blocks are designed so that they are hydraulically linked to the pump ducts and to the additional pump ducts, and so that the options blocks have the same duct structure as the main control block (fig 5).

As concerns claim 6, Tohji shows the main control block 14 has a terminating element at at least one end, in which one of the pump ducts and one of the additional pump ducts are hydraulically connected to each other (unnumbered, fig 5).

As concerns claim 7, Tohji shows the terminating element has a controllable summing valve which is connected to the pump ducts and, if necessary, feeds the

volumetric currents of the hydraulic fluid flowing through the additional pump ducts to a single hydraulic load (unnumbered, fig 5).

As concerns claim 8, Tohji shows the main control block 14 has a controllable hammer valve with a main stage and a pilot stage and a pilot pressure tapping aperture, rendering internal system pilot pres sure tapping possible by means of the pilot pressure tapping aperture for the pilot stage, by means of which pilot pressure the main stage is opened and closed (unnumbered, fig 5).

As concerns claim 9, Tohji shows the section in the vicinity of the second bypass duct has a one-way restrictor and a blind plug, whereby the one-way restrictor supplies the spool valve with hydraulic fluid by means of the volumetric current provided through pump duct and the blind plug closes a connection between the pump duct and the spool valve hydraulically (unnumbered, fig 5).

As concerns claim 10, Tohji shows the options block has a controllable pressure compensator which connects one of the additional pump ducts and the second bypass with each other, the pressure compensator being designed to supply an additional hydraulic load with a desired volumetric current of hydraulic fluid at a desired pressure, independently of the load (unnumbered, fig 5).

As concerns claim 11, Tohji shows the sections have a one-way restrictor (unnumbered, fig 5).

As concerns claim 12, Tohji shows the sections have a blind plug (unnumbered, fig 5).

As concerns claim 13, Tohji shows the sections have a pressure compensator (unnumbered, fig 5).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Beach whose telephone number is 571.272.6988. The examiner can normally be reached on Monday-Friday, 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 571.272.6998. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas A. Beach

/Thomas A Beach/
Primary Examiner, Art Unit 3671

January 26, 2008

THOMAS A. BEACH
Primary Examiner
Group 3600